

8/29/2018 8:06 PM

Velva L. Price

District Clerk

Travis County

D-1-GN-18-001835

Terri Juarez

NO. D-1-GN-18-001835

NEIL HESLIN,

Plaintiff,

v.

ALEX E. JONES, INFOWARS, LLC,
FREE SPEECH SYSTEMS, LLC, and
OWEN SHROYER,*Defendants*§
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§
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§
§

IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

261st JUDICIAL DISTRICT**DEFENDANTS' SECOND AMENDED ANSWER**

COMES NOW, Defendants Alex E. Jones, InfoWars, LLC, Free Speech Systems, LLC, and Owen Shroyer (collectively, the "Defendants"), hereby file this Second Amended Answer and show the Court the following:

I.**GENERAL DENIAL**

Pursuant to Rule 92 of the Texas Rules of Civil Procedure, Defendants generally deny each and every, all and singular, the material allegations contained in Plaintiff's Original Petition and demand strict proof thereof by a preponderance of the evidence.

II.**AFFIRMATIVE AND OTHER DEFENSES**

Pursuant to Rule 94 of the Texas Rules of Civil Procedure, Defendants plead the following:

2.01 For further answer if need be, Defendants allege that Plaintiff's claims are barred by the Statute of Limitations.

2.02 For further answer if need be, Defendants allege that Plaintiff's claims are

barred because the alleged defamatory claims/broadcasts constitute Defendants' opinions.

2.03 For further answer if need be, Defendants allege that Plaintiff's claims for Exemplary Damages are waived and barred by his failure to comply with Texas Civil Practice & Remedies Code §73.055(c).

2.04 For further answer if need be, Defendants allege that they are protected by the Statutory Qualified Privilege for broadcasters provided in Texas Civil Practice & Remedies Code §73.004.

2.05 For further answer if need be, Defendants allege that they are protected under common law doctrine of "fair comment" and Texas Civil Practice & Remedies Code §73.002 because their re-publications involved matters of public concern published for general information and were fair, true and impartial accounts and the ordinary listener/viewer could identify the statements were made in the original publications.

2.06 Defendant Infowars, LLC denies that it is liable in the capacity in which it has been sued.

2.07 For further answer if need be, Defendants assert that Plaintiff's claims are barred by the Texas Citizens Participation Act. Such defense and evidence is further set forth in Exhibit 1 attached hereto and is fully incorporated herein for all purposes as if set forth verbatim.

2.08 For further answer if need be, Defendants allege that they are protected by the defense of truth and the Statutory Qualified Privilege of Substantial Truth provided in Texas Civil Practice & Remedies Code §73.005.

2.09 For further answer if need be, Defendants allege the defense of self-publication. In this regard, the Plaintiff and his attorney published or authorized the publication of the allegedly defamatory June 25, 2017 video to millions of viewers when they voluntarily appeared on the Thursday, April 19, 2018 “Megyn Kelly Today” show on NBC. They were interviewed during that show, and after portions of that video were played nationally, they were asked to comment on it and did comment. At no time did they object or show or display their disagreement to the publication.

III.

RELIEF REQUESTED

WHEREFORE, PREMISES CONSIDERED, Defendants pray that Plaintiff take nothing by his suit and that Defendants be allowed to go hence without day and with all costs and that the Court grant such other and further relief, at law or in equity, to which Defendants may prove themselves to be justly entitled and for which they will ever pray.

RESPECTFULLY SUBMITTED,

GLAST, PHILLIPS & MURRAY, P.C.

/s/ Mark C. Enoch

Mark C. Enoch
State Bar No. 06630360

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon the parties listed below via efile.txcourts.gov's e-service system on August 29, 2018:

Mark Bankston
Kyle Farrar
Kaster, Lynch, Farrar & Ball, LLP.
1010 Lamar, Suite 1600
Houston, Texas 77002

/s/ Mark C. Enoch
Mark C. Enoch

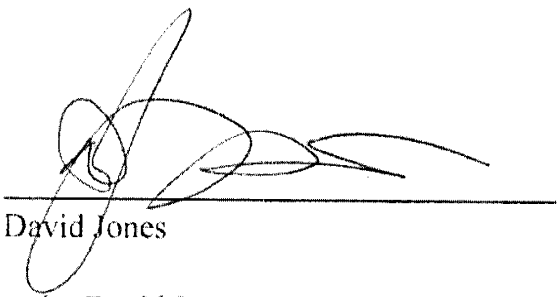
VERIFICATION

STATE OF TEXAS

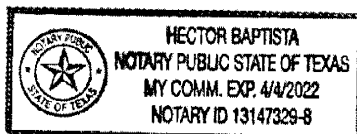
COUNTY OF DALLAS *Travis*

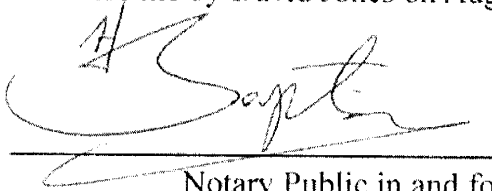
BEFORE ME the undersigned authority personally appeared David Jones, who being by me first duly sworn stated that:

"My name is David Jones. I am the Manager of HR and Corporate Governance of Free Systems Speech, LLC and am an authorized agent for InfoWars, LLC. I have personal knowledge and knowledge based on my access to and review of corporate records. I am over the age of 18, have never been convicted of a felony or crime involving moral turpitude, am of sound mind and I have personal knowledge of the facts herein stated. I have read this ~~First~~ ^{Second} Amended Answer and the statement contained in paragraph 2.06 is true and correct."


David Jones

SWORN TO and SUBSCRIBED before me by David Jones on August 29, 2018.




Notary Public in and for
the State of Texas

My Commission Expires:

04/04/2022